



## Memorandum

**TO: PLANNING COMMISSION**

**FROM: Harry Mavrogenos**

**SUBJECT: SEE BELOW**

**DATE: March 3, 2004**

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### **SUPPLEMENTAL**

**SUBJECT: RCP03-033 CONDITIONAL USE PERMIT FOR A DRINKING AND ENTERTAINMENT ESTABLISHMENT, POOLROOM WITH UP TO 25 POOL TABLES, ALL WITH AFTER HOURS OPERATION UNTIL 2:00 A.M DAILY.**

The proposed Conditional Use Permit would allow a drinking and entertainment establishment, a poolroom with up to 7 pool tables, all with after hours operation until 2:00 a.m. daily.

The proposed project was discussed at the Planning Commission hearing on January 28, 2004. Representatives of the neighborhood adjoining the Zoe's and Backbar Nightclub were in attendance at the hearing and stated that the nightclub generated exceedingly loud levels of noise that were a nuisance for the neighborhood. The project applicant was not in attendance at the Planning Commission meeting. The Planning Commission deferred action on the item to allow staff to meet with the applicant to develop a response to the neighborhood concerns over noise.

#### Limitations on Live and Amplified Music

After hearing of the neighborhood complaints, the project applicant has agreed to conditions in the permit that will limit noise emanating from the uses. Staff proposes to include conditions requiring live and amplified music on the Backbar patio area to cease at 10:00 p.m. After 10:00 p.m., live and amplified music will be limited to indoors in the Zoe portion of the nightclub. A condition of approval for this requirement is included in the revised resolution.

Revised Resolution

Planning staff has revised its recommended conditions of approval to address the items discussed in this memo. See list of new conditions attached below. The additional conditions proposed for inclusion in this permit have been discussed with, and are acceptable to, the applicant.

Harry Mavrogenes, Executive Director  
Redevelopment Agency